

# TRANSMITTAL FORM

(to be used for correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

09/728,159

Filing Date

December 2, 2000

First Named Inventor

Brian Shuster

Group Art Unit

Examiner Name

Attorney Docket Number

4633P005x2

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

postcard; copy of Notice

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Eric S. Hyman, Reg. No. 30,139

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Signature

Date

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Group 2100

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 7/12/01

Typed or printed name

Kumiko Alexander

Signature

Date

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL****for FY 2001**

Patent fees are subject to annual revision.

AMOUNT OF PAYMENT (\$)

**Complete if Known**

Application Number	09/728,159
Filing Date	12/02/00
First Named Inventor	Brian Shuster, et al.
Examiner Name	
Group Art Unit	
Attorney Docket Number	4633P005x2

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- ☒ Charge Any Additional Fee Required Under 37CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

**FEE CALCULATION****1. FILING FEE**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)** (\$)

**2. CLAIMS**

Total Claims	Extra	Fee from below	Fee Paid
Independent Claims <u>2</u>	<u>1</u> X	<u>1</u>	

Multiple Dependent Claims

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple Dependent claim
109	80	209	40	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)

\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEE**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	390	216	195	Extension for response within second month	
117	890	217	445	Extension for response within third month	
118	1,390	218	695	Extension for response within fourth month	
128	1,890	228	945	Extension for response within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidably	
141	1,240	241	620	Petition to revive - unintentionally	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3)** (\$)

\* Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Typed or Printed Name	Eric S. Hyman, Reg. No. 30,139	Complete (if applicable)	
Signature	<i>Eric S. Hyman</i>	Reg. Number	
	Date <u>5/12/01</u>	Deposit Account User ID	02-2666

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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Docket No.: 04633.P005x2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brain Shuster, Edwin Sahakian and Craig  
James Beasley

Application No.: 09/728,159

Filed: December 2, 2000

For: METHOD AND APPARATUS FOR  
CONTROLLING AN  
ANIMATRONIC DEVICE IN AN  
INTERACTIVE GAME  
ENVIRONMENT

RESPONSE TO NOTICE OF INCOMPLETE REPLY

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

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Dear Sir:

This is in response to a Notice of Incomplete Reply mailed June 19, 2001.

The Notice alleges that the reply to the Notice to File Missing Parts mailed January 17, 2001 subject application has been entered in to the nonprovisional application, but the reply did not include a properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date. However, on February 6, 2001, Applicant mailed a response to the Notice to File Missing Parts along with a properly signed declaration and power of attorney and certificate of mailing, a copy of which is enclosed as well as a postcard receipt which with a date stamp of February 9, 2001.

In view of the foregoing, withdrawal of the Notice of Incomplete Reply, and further action on the merits is requested.

In the event any petition is required for consideration of this paper, Applicant hereby petitions for such consideration. In the event any fee is required, please charge Deposit Account

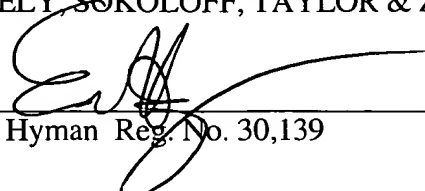
02-2666. In the event any fee is charged, Applicant hereby requests refund of such fee since, in fact, there was no defect.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

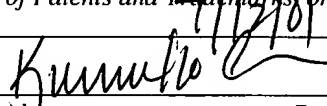
7/12/01

  
Eric S. Hyman Reg. No. 30,139

12400 Wilshire Blvd., 7th Floor  
Los Angeles, CA 90025  
(310) 207-3800

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Kumiko Alexander

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Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/728,159	12/02/2000	Brian Shuster	04633P005x2

08791  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

CONFIRMATION NO. 3674

## FORMALITIES LETTER



\*OC000000006198402\*

Date Mailed: 06/19/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 02/09/2001 to the Notice to File Missing Parts (Notice) mailed 01/17/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

---

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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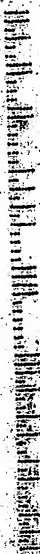
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LOS ANGELES

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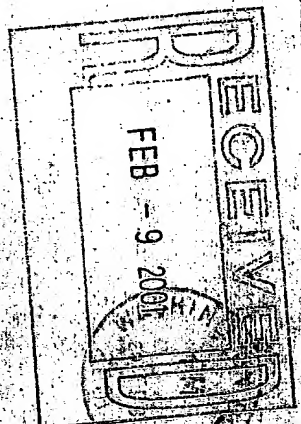
Serial/Patent No. 09/728,159  
Client: United Technologies  
Title: Method and apparatus for controlling  
Filing/Issue Date: 12-2-00  
BSTZ File No.: 004633, P005X2  
Date Mailed: EST/INUS  
The following has been received in the U.S. Patent & Trademark Office on the dates stamped hereon:  
☐ Amendment/Response (\_\_\_\_ pgs.)  
☐ Appeal Brief (\_\_\_\_ pgs.) (in triplicate)  
☐ Application - Utility (\_\_\_\_ pgs. with cover and abstract)  
☐ Application - Rule 1.53(b) Continuation (\_\_\_\_ pgs.)  
☐ Application - Rule 1.53(b) Divisional (\_\_\_\_ pgs.)  
☐ Application - Rule 1.53(d) CIP (\_\_\_\_ pgs.)  
☐ Application - Rule 1.53(d) CPX Transmittal (\_\_\_\_ pgs.)  
☐ Application - Design (\_\_\_\_ pgs.)  
☐ Application - PCT (\_\_\_\_ pgs.)  
☐ Application - Provisional (\_\_\_\_ pgs.)  
☐ Assignment and Cover Sheet  
☐ Certificate of Mailing  
☐ Declaration & POA (\_\_\_\_ pgs.)  
☐ Disclaimers & O&C of Inventions (\_\_\_\_ pgs.)  
☐ Drawings: \_\_\_\_ # of sheets includes \_\_\_\_ figures  
☒ Other: Copies of Notice  
☐ Atty/Secy Initials: EST/INUS  
☐ Docket/Due Date: 3/12/2001  
☐ Express Mail No.: \_\_\_\_  
☐ Month(s) Extension of Time: \_\_\_\_  
☐ Information Disclosure Statement & PTO 148 (\_\_\_\_ pgs.)  
☐ Issue Fee/Transmittal  
☐ Notice of Appeal  
☐ Petition for Extension of Time  
☐ Petition for \_\_\_\_  
☒ Postcard  
☐ Power of Attorney (\_\_\_\_ pgs.)  
☐ Preliminary Amendment (\_\_\_\_ pgs.)  
☐ Reply Brief (\_\_\_\_ pgs.)  
☒ Response to Notice of Missing Parts  
☐ Small Entity Declaration for Independent Inventor/Small Business  
☒ Transmittal Letter, in duplicate  
☒ Fee Transmittal, in duplicate  
☐ Check No. 19697 Amt. 130.00  
☐ Check No. \_\_\_\_ Amt. \_\_\_\_



90025-1013



BLAKELY, SOKOLOFF, TAYLOR & ZANEMAN LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025-1026



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